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The situation in Bosnia and Herzegovina

Bosnia and Herzegovina: draft resolution

The situation in Bosnia and Herzegovina

The General Assembly,

Recalling its resolution 55/24 of 14 November 2000 and all previously adopted resolutions, as well as all relevant resolutions of the Security Council regarding the situation in Bosnia and Herzegovina,

Reaffirming its support for the independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina, within its internationally recognized borders, and also reaffirming its support for the equality of the three constituent peoples and others in Bosnia and Herzegovina as a united country, with two multi-ethnic entities, according to the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), signed in Paris on 14 December 1995,[1] which constitute the key mechanism for the achievement of a durable and just peace in Bosnia and Herzegovina,

Noting the significant progress that has been made since 1995 in implementing the provisions of the Peace Agreement, strengthening the rule of law in all Bosnia and Herzegovina, and consolidating Bosnia and Herzegovina as a modern democratic State and civic society, fully respectful of the rule of law and committed to encouraging economic growth and promoting well-being for all its citizens,

Welcoming the commitment of the Government to speeding up the overall process of the reconstruction and democratization of Bosnia and Herzegovina, and noting the gradual progress that has been made in the development of efficient common institutions of Bosnia and Herzegovina,

Noting that corruption and the lack of transparency seriously hamper the economic development of Bosnia and Herzegovina, reiterating the need to combat all corruption, welcoming the important contribution made in that regard by the Customs and Fiscal Assistance Office, and expressing its full support for the efforts

[1] A/50/790-S/1995/999

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of the Council of Ministers of Bosnia and Herzegovina and its local bodies and of others that are supportive in that regard,

Welcoming the overall progress that has been made in supporting the return of refugees to all parts of the country and reaffirming the most important principle that all who were forced to leave should feel free and secure to return to their homes,

Also noting the importance for the future of Bosnia and Herzegovina for prosecutors to successfully conclude their investigation of war crimes and the whereabouts of those still missing after the war in Bosnia and Herzegovina, as well as the importance of full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, especially with regard to the surrender of all already indicted war criminals to the Tribunal,

Welcoming the efforts of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, reaffirming the fundamental importance of strengthening all aspects of the rule of law, and noting in that regard the ruling of the Constitutional Court of Bosnia and Herzegovina on the equality of the three constituent peoples throughout the territory of Bosnia and Herzegovina and progress made by the United Nations Mission in Bosnia and Herzegovina in ensuring a fully representative police force free of corruption and dedicated to enforcing the laws of the country in an impartial way,

Reaffirming the importance for the future of Bosnia and Herzegovina of its successful integration into Europe, noting in that regard the progress made in fulfilling the conditions for entry into the Council of Europe, especially the adoption of the electoral law, welcoming the progress made in fulfilling conditions towards the European Union Stabilization and Association Agreement, and stressing that the Stability Pact for South-Eastern Europe offers an additional improvement contribution to the regional cooperation,

Welcoming the significant improvement of the overall mutual cooperation among the successor States of former Yugoslavia and the region as a whole, welcoming the memorandum of understanding on intraregional trade liberalization signed on 27 June 2001 in Brussels, the agreement reached in Vienna regarding the succession of former Yugoslavia and its implementation, underlining the importance of the establishment of diplomatic relations between the Federal Republic of Yugoslavia and Bosnia and Herzegovina,

Reaffirming the need to combat corruption, smuggling, human trafficking, organized crime, and extremism and other illegal activities, and noting in that regard the establishment of the State Border Service, which is expected to be completed in the year 2002,

Recognizing the importance of demining and assistance to mine victims for the safety of Bosnia and Herzegovina citizens, and for the return of refugees and internally displaced persons,

Welcoming the achievements and encouraging further efforts in the area of reducing military assets in line with the Agreement on Subregional Arms Control, welcoming the finalizing of the negotiations led by the Organization for Security and Cooperation in Europe within the framework of article 5, annex 1.B of the

Peace Agreement, and emphasizing the importance of the declaration issued by the Joint Presidency of Bosnia and Herzegovina to commence the process of the formal admission of Bosnia and Herzegovina to the Partnership for Peace,

1. *Notes* that it is the people and the Council of Ministers of Bosnia and Herzegovina who are ultimately responsible for the future of the country, and urges them to work rapidly and strongly on economic reform, refugee returns, joint state institution-building and full respect for the rule of law;

2. *Calls* for the full and early implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina, and the annexes thereto (collectively the "Peace Agreement")[1] which is essential for stability and cooperation in the region and the reintegration of Bosnia and Herzegovina at all levels;

3. *Welcomes* the progress that has been made towards the implementation of the Peace Agreement by the Government and its commitment to the full, comprehensive and consistent implementation thereof;

4. *Welcomes* the prompt action of the state and entity institutions in adopting the comprehensive plan of action to prevent terrorist activities, increase security and protect people and property in Bosnia and Herzegovina, also welcomes the active role of Bosnia and Herzegovina in taking part in global efforts against terrorism, and in that regard calls to work with the international community for establishing a fully deployed state border service by the end of 2002, in accordance with the time frame of the United Nations Mission in Bosnia and Herzegovina;

5. *Supports fully* the efforts of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, in accordance with the Peace Agreement and subsequent declarations of the Peace Implementation Council, and notes the continuing need for the High Representative to use fully the authority of his office to deal with obstructionists, reaffirming the concept of "partnership" between the newly elected authorities of Bosnia and Herzegovina and the international community;

6. *Encourages* the political leadership of Bosnia and Herzegovina to extend cooperation with the States of South-Eastern Europe so as to promote and strengthen stability and confidence in the region;

7. *Urges* the Entity Parliaments and Canton Assemblies to implement promptly and fully the provisions of the ruling of the Constitutional Court of Bosnia and Herzegovina on the equality of all three constituent peoples throughout the territory of Bosnia and Herzegovina, and also urges the Constitutional Court to rule further on the status of those other than the three constituent peoples;

8. *Demands* that all the parties to the Peace Agreement fulfil their obligations towards the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and encourages the Bosnia and Herzegovina authorities to develop, in close cooperation with the international community, national court capacities to investigate and prosecute cases of war crimes;

9. *Urges* Member States, taking into account the orders and requests of the Tribunal, to fully cooperate with the Tribunal, in particular with regard to the surrender of indictees, and to provide adequate financial support to the Tribunal;

10. *Reaffirms* the right of refugees and displaced persons to return voluntarily to their homes of origin in accordance with annex VII of the Peace Agreement, encourages the acceleration of the peaceful, orderly and phased return of refugees and displaced persons, including in areas where they would be the ethnic minority, strongly condemns all acts of intimidation, violence and killings, including those acts designed to discourage the voluntary return of refugees and displaced persons, demands that such acts be investigated and prosecuted, supporting the effective engagement of the Commission for Real Property Claims of Displaced Persons and Refugees, and calls upon all sides to implement the property laws imposed on 27 October 1999, in particular by evicting illegal occupants from the homes of returning refugees, and to ensure respect for individual rights to return and the establishment of the rule of law;

11. *Encourages* all concerned parties to provide information on all persons unaccounted for through the tracing mechanisms of the International Committee of the Red Cross and to cooperate fully with the Committee in its efforts to determine their identities, whereabouts and fate;

12. *Welcomes* the efforts of international and regional organizations, member States and non-governmental organizations in Bosnia and Herzegovina, including through the Board of Donors and the Slovenian International Trust Fund for Demining and Mine Victims Assistance, and calls upon Member States to continue to support mine-action activities in Bosnia and Herzegovina;

13. *Stresses* the importance of establishing, strengthening and expanding throughout all of Bosnia and Herzegovina a free and pluralistic media, and deplores any actions that seek to intimidate or restrict the freedom of the media;

14. *Also stresses* the importance of the restoration and rebuilding of the historical and cultural heritage of Bosnia and Herzegovina in their original forms;

15. *Further stresses* the need for a more comprehensive approach to implementing economic reforms, and underlines the fact that a self-sustainable, market-oriented economy operating in a single economic space, expeditious and transparent privatization, improved banking and capital markets, reformed financial systems, the provision of adequate social protection and the adoption by both entities of a law on pension reform that meet economic standards are crucial for achieving lasting peace and stability in Bosnia and Herzegovina;

16. *Supports* the efforts by the High Representative and the Commander of the multinational Stabilization Force to weaken the continued political and economic influence of remaining parallel structures obstructing the peace implementation;

17. *Notes* that the authorities of Bosnia and Herzegovina have defined the Common Defence Policy of Bosnia and Herzegovina, affirming the importance for the national development of Bosnia and Herzegovina of creating, on the basis of agreed principles, a joint military command and seeking to establish a military structure of the appropriate size based on future projections and the legitimate security needs of Bosnia and Herzegovina which will contribute to regional security,

and encourages them to carry out its conclusions promptly, fully and in full accordance with the General Framework Agreement for Peace in Bosnia and Herzegovina;

18. *Commends* the efforts of the international community, recognizes the continued importance of its role, welcomes its readiness to continue and streamline its efforts towards a self-sustainable peace, and recalls that the responsibility for consolidating peace and security lies with the authorities of Bosnia and Herzegovina;

19. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "The situation in Bosnia and Herzegovina".